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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1444 OF 2006
IN
INCOME TAX APPEAL (L) NO. 781 OF 2006

The Commissioner of Income Tax ... Appellant

Versus

M/s. Parle Beverages Ltd. ... Respondent

Mr. B.M. Chatterjee with Ms. P.P. Bhosale and Mr. P.S. Sahadevan for the Appellants.

Mrs. Vasanti Patel for Respondent.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: OCTOBER 15, 2007

P.C.

. There is delay of 240 days. There is affidavit in support of the Motion. The order was received on 5.5.2005. The Chief CIT granted approval for filing of the appeal on 26.8.2005. The file was sent to Ministry of Law on 26.8.2005 itself. Though it is not set out, we may take judicial notice that in December, 2005 the Ministry of law transferred all matters to department for preferring appeals by appointing new counsel. The docket was prepared on 2.2.2006. It is however, pointed out that as there was heavy workload of time barred assessment in the month of March 2006, the appeal could only be filed on 28.4.2006. Appearance put up on behalf of the

respondents. An affidavit has been filed also opposing the condonation of delay. Considering the facts set out and the difficulties that the department was and also considering the tax incidence, in our opinion, the cause shown would amount to sufficient cause. Hence, motion allowed in terms of Prayer Clause (a). Office to register the appeal.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**